

## WILL TAKE NO CHANCES OF RENEWING FIRE

FEAR THAT FRESH AIR MIGHT  
CAUSE FIRES IN GIRONX  
SHAFT TO RE-KINDLE.

ELY, Nev., Aug. 31.—Not until today, at least, and perhaps not for several days will the Gironx shaft be unsealed and an attempt be made to ascertain in the extent of the damage caused by the fire of last Wednesday, August 23.

The reason for this is that the supply of water in the reservoir was exhausted and has not been renewed and the management does not care to take chances of the fire bursting out again when the steam is permitted to escape from the shaft and pure air takes its place. If there has been much fire in any place the steam may have smothered it to an extent, but yet the heat the timbers may retain would be sufficient to cause the fire to start up anew when fresh air fills the shaft again.

It was expected that by the time the mine inspector and the Draeger expert were ready to go down the reservoir would have been filled from the Holt creek pipe line of the Nevada Consolidated, but that part of the work has been slower than was expected. For this reason the shaft will not be unsealed until there is a sufficient supply of water in the reservoir to combat any fire that might break out again in the shaft. This may require several days more as the flow of water is not very great and most of it is required at Copper Flat for the regular engine supply there.

HERE FROM REESE RIVER.

Mr. and Mrs. George Keough and Mr. and Mrs. M. Keough of Petaluma, Cal., arrived by auto yesterday from the Keough ranch on Reese river, and the guests of Mrs. P. M. Bowler. Mrs. George Keough is a sister of Attorney P. M. Bowler. They will remain here until tomorrow and then journey to Bishop, Cal., where they go to visit a brother, Phil Keough, the king of butchers, of that thriving village.

## "PORKY" FLYNN GETS SHADE OVER JEANNETTE

NEW YORK, Aug. 31.—"Porky" Flynn had a shade the better of Joe Jeannette last night in ten rounds before the Fairmount club. This was the first fight under the new law. The bout was a disappointment. A big crowd attended, but behaved in an orderly fashion.

## ELKS' DANCE LAST EVENING A HUGE SUCCESS

The dance given last evening by the local lodge of Elks was the same success that the preceding dances given by this organization have been in the past. A large crowd was in attendance and everybody enjoyed themselves. After the dance light refreshments were served in the banquet room.

## LOS ANGELES AVIATOR PLANNING LONG FLIGHT

NEW YORK, Aug. 31.—Robert G. Fowler of Los Angeles is the first announced entrant in the coast to coast aeroplane flight for a prize offered by W. R. Hearst. He will leave San Francisco September 1, crossing the Rockies between Laramie and Cheyenne, Wyoming.

## ESMERALDA COUNTY BALLOT RECOUNT CONTINUING

The county of the third precinct ballots of Goldfield, Esmeralda county is on again in the supreme court chambers. As is the rule, a large number of objections have been taken to ballots from this county and section. The objections are not by any one of the contestants, as both Baker and Springmeyer are filing on every technical point.

## ATTENTION, YOEMAN!

All members of this order are requested to meet at K. of P. hall Friday evening, September 1, at 7:30 p. m.

## ILLINOIS CENTRAL LIKELY TO REFUSE

PRESIDENT PARK MAKES PEC-  
LIAR ANSWER TO REQUEST  
FOR CONFERENCE.

CHICAGO, Aug. 31.—W. L. Park, vice president of the Illinois Central railroad, yesterday indicated that the officials of the road are determined not to deal with the Federated Shop Employees' representatives, who are now here from the south. In an official statement, Park said: "We received from the international union officials a request for a conference and have said to them we will meet their accredited representatives."

Park refused to amplify the statement, but representatives of the labor unions said the statement indicated a refusal to treat with the federated employees.

President McCreery, of the Federated Shop Employees, said:

"We knew all along the company would meet representatives of the nine unions. Some of our men appointed to meet the officials of the road have not yet arrived, and by tomorrow we will be able to make public the details of our conference."

Union leaders spent the entire day in conference with the federation officials but so far none of these have met with the railroad officials.

## LOS ANGELES NEWSPAPER MAN WINS LIBEL SUIT

DEMURRER INTERPOSED TO IN-  
DICTMENT FOR INTERCEPTING  
MESSAGE SUSTAINED.

LOS ANGELES, Cal., Aug. 31.—The demurrer interposed by Edwin T. Earl, publisher of the Express and Tribune, to the indictment charging him with having published the contents of an intercepted aerogram, was sustained yesterday by Judge Walter Bordwell of the superior court. District Attorney Fredericks announced he would appeal from the ruling.

Judge Bordwell held that the law of 1872, to safeguard the contents of telegraphic messages, upon which the indictment was based, applied only to officers and employees of telegraph companies, and that therefore Mr. Earl committed no offense when he published an aerogram taken out of the air by three amateur wireless operators.

This ends the case unless the district court of appeals reverses Judge Bordwell.

## CONSOLIDATED BOARD TO MEET ON THURSDAY

GOLDFIELD, Aug. 31.—Directors of the Goldfield Consolidated Mines company will meet in San Francisco next Thursday, August 31, to hold the regular quarterly meeting. The principal business will be to declare the quarterly dividend which will be payable October 31, and which will doubtless be at the usual rates of 30 cents regular and extra dividend of 20 cents per share, which has prevailed for the last two years. The meeting will be held at the St. Francis hotel, and will be attended by George Wingfield, president; A. H. Howe, secretary and treasurer, and Directors J. H. Mackenzie and W. C. Ralston.

## STILL IDENTIFYING.

The work of identifying the records in the State Bank case is still going on. Judge Mack is digging up everything that was used in business for such work, and is having it put in evidence. The defendant attorneys are filing objections in accordance.

## PRESIDENT PLANS CRUISE.

BEVERLY, Mass., Aug. 31.—President Taft yesterday decided to take a short cruise up the Maine coast with Mrs. Taft, in the yacht Mayflower. The cruise begins on Friday afternoon.

## MINER IS OVERCOME BY GAS AND DIES IN MIZPAH MINE

Victim Found on an Intermediate Level  
Between the 300 and 400 Levels---  
Manhattan Coroner to Hold Inquest.

For the first time in six months and eight days a fatality was reported this morning in the mines of the Tonopah district. Ever since the Belmont disaster until today not a fatality has occurred in any of the several mines here. And when the number of men employed in Tonopah at this hazardous occupation is taken into consideration and the number of fatalities reported in other mining districts throughout the country is noted, it goes to show that the management of the various companies keep on the alert to avoid all possible chance of a fatality. But the news of the death which occurred this forenoon came like a thunder-clap from a clear sky.

Gabriel Kovacevich, an Austrian, was found dead in the Mizpah mine this morning at 9:45 o'clock by Mine Foreman Thompson. While making the rounds of the mine Mr. Thompson chanced to pass on an intermediate level between the 300 and 400-foot levels and there found the unfortunate man. After a close examination the foreman found that life was extinct. It is presumed that death was caused by foul air.

Foreman Thompson immediately summoned help and had the body brought to the surface and later conveyed to the undertaking par-

lors of Winacott & Hall on St. Patrick's street.

Before being taken to the undertaking establishment Dr. Grigsby and McDouell were called and worked for about two hours on the unfortunate miner trying to resuscitate him with an artificial respirator. A report gained circulation around town that the dead man sustained a fall down a winze after being overcome with gas. This report was probably started on account of marks on the body that looked like bruises, but these were caused by the respiratory instruments used by the physicians.

Kovacevich went to work with the regular day shift that descended the shaft at 7 o'clock this morning and took his position as a mucker in the drift where Foreman Thompson found him.

The dead man had been in the employ of the company for about three years. He was 28 years of age and unmarried. It is not yet known whether he has any near relatives in this city or not.

A coroner's jury will hold an inquest as soon as Justice Heywood, of Manhattan, can arrive here to hold the examination.

Harry H. Atkinson, Justice of the peace of Tonopah, is out of town on a vacation and Judge Heywood will have to preside over the jury as he is the nearest official who can act in that capacity.

## BIG SHIPMENT OF LAMBS MADE TO EASTERN POINTS

RENO, Aug. 31.—Nevada sheepmen at the present time seem to be quite jubilant over the lamb market, and are sending many thousands of lambs to the eastern markets. There seems to be a great demand for Nevada lambs in the eastern markets, and this is causing a drain on the lamb crop of this state. This means a great deal to the Nevada sheepmen who are responding to this ready demand and the shipping thousands of lambs to Chicago and other points.

The Nevada-California Land and Livestock company and D. C. Wheeler, Inc., yesterday shipped 22 double deck cars containing 6700 lambs to Chicago, and more trains will soon follow.

All the big sheep men seem to

be responding to the eastern markets where they are receiving good prices and the result is that in a short time there will be no more lambs left in this state.

A great demand has been made of the railroad companies for cars and the stockmen are hurrying the lambs to the stock yards for slaughter. Whether or not this will have any effect on the western market is not known.

It is said that not only the sheep men in the western end of the state but also the stock men in the eastern end of the state are sending thousands of lambs to supply the Chicago and Omaha market and that very few lambs are being shipped to the coast or into the northwest.

## OLD MAN DIES FROM DISAPPOINTMENT

PASADENA, Aug. 31.—Aaron Snyder, 73 years old, Grand Army veteran, died yesterday of asthma, brought on largely by grief and disappointment.

Snyder and his brother, William, to whom he was greatly attached, became separated during the civil war. Aaron instituted a search for years and discovered William's whereabouts. He arrived at Niles, Cal., unfortunately one day after his brother's death.

## IDENTIFYING BOOKS.

The work at the district court yesterday consisted of identifying the books of the State Bank that are being introduced in the suit against the directors.

As there is an objection filed in each instance and an argument on the admission of each and every book or document, it takes a lot of work and entries, and the trial proves of little interest to the layman.—Carson News.

## NO COUNTING.

Owing to the hearing of the mandamus proceedings before the supreme court yesterday and Attorney General Baker being busy before that body, the counting of ballots went over for the day.

## PRECEDENT SET OLD LAWYER

JUDGE BONNIFIELD OF WINNE-  
MUCCA ADMITS TO COURT  
THE CASE IS LOST.

When an attorney admits outside of court that he has a losing case, it is something out of the ordinary, but when an attorney informs the court that he has failed to present a case, after contesting a matter for five days, is an act that is about unique in the history of the Nevada bar.

Judge M. S. Bonfield of Winnemucca, of the law firm of Bonfield & Branden, is entitled to the glory of being the first attorney of record to admit his inability to make a case out of a cause at issue.

The occurrence happened last Friday in the district court at Winnemucca before District Judge Ducker of this city.

The case at issue was entitled W. C. Noteware, Joseph Hill, John Taylor and others versus the Nevada Humboldt Mining company. Attorney Hawkins appeared for the plaintiffs while Judge Bonfield represented the defendant company.

The case was an adverse suit contesting title of mining property in Humboldt county. The case was called Monday morning and three days were consumed by the plaintiffs and two days by the defendants in presenting testimony.

When the court convened Friday afternoon, after noon recess, an objection was entered by the plaintiffs' attorney regarding the admission of certain evidence. The objection was argued and finally was sustained.

Judge Bonfield then informed the court that he rested his case and stated that he had failed to make a case out of the pending issue. At the conclusion of this frank statement Judge Ducker entered judgment for the plaintiffs.

Judge Bonfield, who is one of the leading barristers of the eastern part of the state of Nevada, served a term on the supreme bench. He is the first attorney of record to practically admit that he was fighting a losing proposition, establishing a precedent that is somewhat unique. It is seldom, even after a case has been decided by a judge or jury, that an attorney will admit defeat.—Journal.

## SPARKS FROM CLAY PIPE CAUSE DEATH OF WOMAN

RIVERSIDE (Cal.), Aug. 31.—Sparks from her pipe, which she was smoking in bed, set fire to the blankets covering Mrs. L. S. Murray, an aged woman, and the flames inflicted fatal burns.

Mrs. Murray had been hurt in an automobile accident two weeks ago and was unable to get out of bed. Her cries attracted neighbors, who broke down the door and saved her from incineration. She had smoked a clay pipe for 20 years, and after the motor car accident insisted on having the comforts of tobacco as she lay in bed.

## IOWA CHESS PLAYERS.

CEDAR RAPIDS, Ia., Aug. 31.—The best chess talent in the state is represented at the 13th annual tournament of the Iowa State Chess association, which began here yesterday and will continue until tomorrow. The tournament will decide the championship title, now held by E. L. Miller of Clinton.

## DIED IN THE VALLEY.

Mrs. Selma Ann Pettigrew dropped dead at her home in Gardnerville Saturday evening. She was 84 years of age and was one of the first white women in Carson valley. The deceased leaves two daughters, Mrs. Christ Dangburg and Mrs. Jud Pettigrew.

## NEVADA THEATER WILL OPEN NEXT SUNDAY NIGHT

Manager Sam Haas has received word that a company will be here from Los Angeles to open the season in the Nevada theater. The company comes from the Mason theater in Los Angeles and the advertising matter will be along a little later.

## MILO BASICH IS NOW UP FOR TRIAL IN DISTRICT COURT

JURY HAS BEEN SELECTED AND  
CASE WILL TAKE ABOUT  
TWO DAYS.

The jury to try Milo Basich for assault with intent to kill upon the person of Joseph Rocovini, was selected this morning in the district court. In all 20 names were called before the jury was completed. Milton Cirton, Louis Gregovich and Ed Aradell were excused for cause. Fred Knock, L. H. Conley and John Connors were dismissed by the attorney for the defense on peremptory challenges and the prosecution exercised two on John Hawks and John McAllister.

The jury is as follows: C. A. Cooper, E. R. Shield, W. H. Natto, W. H. Smith, R. M. Merton, E. E. Bertram, J. J. Ross, R. W. Ritchie, Eugene Smith, P. M. Arnett, C. A. Barnham and William Claus.

It is expected that two days will be required to try this case. The crime for which Basich is being tried was committed in the Lick saloon several weeks ago, and a number of Slavonians were mixed in the fracas that ensued. Rocovini was terribly cut but has fully recovered. P. E. Keeler is defending Basich.

## CROWDS STILL VISIT POPULAR SHOW HOUSE

LEO DULMAGE, KING OF THE  
UNICYCLE, OPENS AT THIS  
HOUSE TONIGHT.

Tonight at the Butler theater Leo Dulmage, known as the king of the unicycle, opens a three-days' engagement at this popular playhouse, appearing at each evening shows and at the Saturday matinee. This is a very clever act and abounds with mirth and laughter. Mr. Dulmage will introduce new tricks each evening, and from the press reports of cities in which Mr. Dulmage has appeared he is sure to make a big hit with the theatergoers of Tonopah. The pictures for tonight are as follows: "Five Bold Bad Men," Lubin comedy; "Mr. Wise, Inventor," an Essanay comedy; "At the Gringo Mine," a Melles western drama, and a Lubin western feature picture, entitled "An Indian's Appreciation." No one should miss this show, as the pictures are the best shown in this house for some time, and the vaudeville act is sure to please, as it is good and clever. The first entertainment starts at 7:15 and the admission the same as usual—10 cents.

## WHITE RACE BECOMING LAWLESS AND SAVAGE

BOSTON, Aug. 31.—"The votes of colored men have kept the republican party in power and made it possible for it to protect the interests and produce multimillionaires, while it reduced the negro to the position of a political slave," said President J. R. Clifford of Martinsburg, W. Va., before the opening meeting of the National Independent Political Rights league here last night.

President Clifford said that "race solidarity in politics has not proved a blessing to the colored citizens; it gained for us the contempt and opposition of the democratic party in most places, while it failed to hold the republican party true to its black allies."

Condemning recent lynchings of negroes, Rev. Byrne Gunner of Hillburn, N. Y., first vice president, said: "The white race is fast becoming lawless and savage."

## CONGRESSMAN DYING.

LOS ANGELES, Aug. 31.—Congressman Sylvester Smith, of the Eighth district, is reported dying at a sanitarium at Monrovia.

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